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DEC 01 2009

OFFICE OF PETITIONS

In re Application of Challenger et al. :
Application No. 09/845,708 : Decision on Petition
Filing Date: April 30, 2001 :
Attorney Docket No. YOR920010281US1 :

This is a decision on the petition filed July 17, 2009, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **granted**.

The Office mailed a final Office action on April 23, 2008. The Office did not receive a reply to the Office action or a request for an extension of time. The Office action set a three (3) month shortened statutory period for reply. As a result, the application became abandoned on July 24, 2008. The Office mailed a Notice of Abandonment on January 23, 2009.

Petitioner has alleged non-receipt of the April 23, 2008 Office action. A review of the record indicates petitioner has supplied sufficient evidence to establish non-receipt of the Office action.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Although the petition is accompanied by an amendment under 37 CFR 1.116, the petition requests "the period for reply to the Final Office action be reset." The undersigned spoke with attorney Nathaniel Wallace on November 20, 2009, and confirmed petitioner wishes for the Office to remail the final Office action and reset the time period for reply.

Technology Center Art Unit 2178 will be informed of the instant decision. Thereafter, the Technology Center will mail a new final Office action. The time period for responding to the new final Office action will be set to run from the mailing date of the new Office action.

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

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